

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

EDUARDO VIZCAINO,  
a/k/a “Christopher Colon-Acevedo,”  
a/k/a “Christopher Colon,”

Defendant.

**ORDER**

**20 Cr. 241 (RMB)**

I. Background

Defendant EDUARDO VIZCAINO, a/k/a “Christopher Colon-Acevedo,” a/k/a “Christopher Colon,” has stated his intention to enter a plea of guilty pursuant to a plea agreement in this case, and this Court has referred the change-of-plea proceeding to the duty Magistrate Judge.

The ongoing COVID-19 pandemic necessitates that the proceeding take place remotely, and the CARES Act, Pub. L. No. 116-136, 134 Stat. 281 (2020) and findings made both by the Judicial Conference of the United States and by Chief Judge Colleen McMahon of the Southern District of New York allow for guilty pleas to be taken by phone or video, subject to certain findings made by the District Judge.

The Court understands that the duty Magistrate Judge shall conduct the defendant’s change-of-plea proceeding by videoconference or by telephone if, due to scheduling limitations, videoconference is not reasonably available, and that the defendant has specifically consented to the proceeding occurring remotely.

II. Findings

Defendant EDUARDO VIZCAINO’s change-of-plea proceeding cannot be further delayed without serious harm to the interests of justice, because, among other things, (i) the defendant’s

case has been pending since his arrest in February 2020 while the parties negotiated a pretrial resolution; (ii) the defendant has stated an intention to resolve the case by pleading guilty, which would be frustrated by further delay given the upcoming trial in this matter; and (iii) the parties' and the public's interest in finality, certainty, and the speedy disposition of criminal cases all require that the change-of-plea proceeding occur without further delay.

SO ORDERED.

Dated: New York, New York  
December 15, 2020

Handwritten signature of Richard M. Berman in black ink.

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THE HONORABLE RICHARD M. BERMAN  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF NEW YORK